

**EXHIBIT “F”**

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

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4 STATE OF HAWAII, )

)

) Cr. No.: 05-1-1615

) TRANSCRIPT OF

) PROCEEDINGS

6 VS. )

)

7 LESLIE KAKINAMI, )

)

8 Defendant. )

)

9 \_\_\_\_\_)

10 TRANSCRIPT OF PROCEEDINGS

11 before the Honorable MICHAEL A. TOWN, Circuit Court Judge  
12 presiding on February 28, 2006.

13 (Change of Plea)

14

15 APPEARANCES:

16 JOHN ALBERTO MONTALBANO, Esq. Attorney for the State

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18 CHRISTOPHER R. EVANS, Esq. Attorney for Defendant

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REPORTED BY:

24 Brian Faxvog, RPR, CSR #342  
Official Court Reporter  
25 State of Hawaii

Brian Faxvog, CSR 342  
Official Court Reporter  
State of Hawaii

1 FEBRUARY 28, 2006

2 THE BAILIFF: Calling cases 3, 4 and 5.

3 Criminal number 05-1-1615, 05-1-1718, and 05-1-1736.

4 State of Hawai'i versus Leslie Kakinami. Appearances,  
5 please?

6 MR. MONTALBANO: Good morning, Your Honor.

7 Deputy Prosecuting Attorney John Montalbano representing  
8 the State.

9 MR. EVANS: And good morning. Christopher  
10 Evans on behalf of Leslie Kakinami. She's present this  
11 morning.

12 THE COURT: Good morning, counsel. Good  
13 morning, Miss Kakinami.

14 For the record, we met briefly in chambers.  
15 The State, Mr. Montalbano, reserves the right here to ask  
16 for extended persistent terms or consecutive terms, and to  
17 ask for the maximum term provided by law, including the  
18 maximum mandatory minimum. Correct?

19 MR. MONTALBANO: That is correct, Your Honor.

20 THE COURT: Historically, reserving the right  
21 to the State, and I'm not giving any promises here,  
22 normally I knock these down at least one on a plea. From  
23 a -- these are a bunch of B felonies and one -- I mean a  
24 bunch of C felonies and one B, Counsel?

25 MR. EVANS: That is correct.

1                   THE COURT: I'm looking here. The two B's.  
2 And two, five, six, seven C's. Normally I knock these  
3 down to a six, eight. But depending on what's happening  
4 with the Federal case, cooperation with the PSI says I am  
5 not adverse to considering something lower. There has to  
6 be strong mitigating circumstances.

7                   MR. EVANS: Yes. I'm aware, Your Honor.

8                   THE COURT: I'll let you know which way the  
9 wind's blowing before. We're going to do some sentencing  
10 in August; is that right?

11                  MR. EVANS: Yes. There is a date of August  
12 28 that is set for revocation of the prior cases. I'm  
13 sorry. 22nd. I stand corrected. August 22nd.

14                  THE COURT: Maybe we should set the week  
15 later. I may be on a week's break to teaching somewhere.  
16 That hasn't been confirmed. But it looks like it's going  
17 to happen.

18                  Alden, it looks like I'm off the week of the  
19 21st right now.

20                  MR. EVANS: 28.

21                  THE COURT: 28th.

22                  MR. MONTALBANO: Your Honor, the Court is  
23 moving the prior cases that the Court's already taken the  
24 change of plea into the 28th?

25                  THE COURT: Well, I don't know. I just need

1 to -- I can't sentence her on the 22nd if I'm not here.

2 MR. EVANS: Well, what we've got scheduled  
3 for the 28th now is the sentencing on the prior cases that  
4 were before Your Honor on a motion.

5 THE COURT: I know you can't by Miss Tanaka.

6 But any objection, assuming she has time on that day?

7 MR. MONTALBANO: I can probably represent  
8 that she'd be okay.

9 THE COURT: Physically I'm going to be  
10 teaching in Vanuatu that week. So -- that's tentative. I  
11 haven't got my plane tickets yet. It's a break where I go  
12 down and help out with the justice effort.

13 Now, let's go ahead with the change of plea  
14 today, Mr. Evans?

15 MR. EVANS: Yes. My client --

16 THE COURT: May I address your client?

17 MR. EVANS: Yes, you may.

18 THE COURT: Your name, ma'am?

19 THE DEFENDANT: Leslie Kakinami.

20 THE COURT: Good morning once again. You've  
21 been in front of me several times, correct?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: I'm going to walk you through  
24 these changes of pleas. My job is to guarantee and assure  
25 your rights to -- that you understand what's going on. If

1 you have any questions, will you let me know?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you answer my question, I'm  
4 going to assume you understand. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: How old are you, ma'am?

7 THE DEFENDANT: 44.

8 THE COURT: And you graduated from what high  
9 school and where?

10 THE DEFENDANT: Kaimuki in Honolulu.

11 THE COURT: And I have before me three change  
12 of plea forms in each of these criminal numbers. Did you  
13 sign them today?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did you discuss them with Mr.  
16 Evans and understand them before you signed them?

17 THE DEFENDANT: Yes. I did, sir.

18 THE COURT: Your mind is clear today?

19 THE DEFENDANT: Yes.

20 THE COURT: You taken any medicine?

21 THE DEFENDANT: No.

22 THE COURT: You taken any -- have you taken  
23 any other alcohol or illegal drugs in the last two days?

24 THE DEFENDANT: No.

25 THE COURT: Are you healthy today?

1                   THE DEFENDANT: Yes, I am.

2                   THE COURT: How long have you been in  
3 custody?

4                   THE DEFENDANT: Since August 12th.

5                   THE COURT: August 12th of '05. Do you feel  
6 worse or better since you've been in custody?

7                   THE DEFENDANT: Better.

8                   THE COURT: Why?

9                   THE DEFENDANT: I'm drug free.

10                  THE COURT: Yes. That makes sense. You look  
11 good. You look healthier today than when I have seen you  
12 before.

13                  THE DEFENDANT: Thank you.

14                  THE COURT: You can read, write and  
15 understand English?

16                  THE DEFENDANT: Yes, sir.

17                  THE COURT: You do understand each of the  
18 charges here? We've got -- let me go over them again. On  
19 05-1-1615, Forgery Two, Identity Theft Three, Theft Three.  
20 On 1718, Forgery Two, two times. Theft Two. And Identity  
21 Theft Two. Do you understand all of those charges?

22                  THE DEFENDANT: Yes, I do.

23                  THE COURT: And on the last one, the 1736,  
24 Forgery Two, Theft Two, and Identity Theft Two. Do you  
25 understand those charges?

1                   THE DEFENDANT: Yes.

2                   THE COURT: Did Mr. Evans go over them with  
3 you and answer any questions you might have?

4                   THE DEFENDANT: Yes, he did.

5                   THE COURT: Did you tell Mr. Evans everything  
6 you know about your case?

7                   THE DEFENDANT: Yes.

8                   THE COURT: Did he explain the kind of case  
9 the State has against you, potential defenses, and the  
10 facts the State must prove, either to this Court or to a  
11 jury, in order for you to be convicted?

12                  THE DEFENDANT: Yes.

13                  THE COURT: Are you pleading of your own free  
14 will?

15                  THE DEFENDANT: Yes.

16                  THE COURT: Anybody forcing you to plead?

17                  THE DEFENDANT: (Shakes head.)

18                  THE COURT: Are you taking the blame here  
19 because this happened? Or are you taking the blame to  
20 cover up for another person?

21                  THE DEFENDANT: No. I'm wrong.

22                  THE COURT: You taking the blame because you  
23 did this; is that right?

24                  THE DEFENDANT: Yes.

25                  THE COURT: Now, you do understand -- I

1 respect that, ma'am. You have the right -- as you stand  
2 here today, you're presumed innocent by this Court and the  
3 Constitution. You remain that way until you either plead  
4 guilty, or Mr. Montalbano's office can prove to twelve  
5 jurors unanimously, as far as each and every count, that  
6 there's proof beyond any reasonable doubt. Do you  
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: It's a high burden of proof. You  
10 don't have to prove a thing. They have to show that to  
11 the jury. You get to be dressed in court clothes, not  
12 your custody clothes. You'd get to see, hear and question  
13 each witness. They'd testify from that very witness  
14 stand. Do up understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: In fact, yesterday I had a trial  
17 with two defendants. And the jury found one guilty, and  
18 the other they found not guilty. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: So the jury, depending on the  
21 evidence and the law, will work their will. Do you  
22 understand that? And now, and if there is a trial, you  
23 can ask Mr. Evans to bring in witnesses to testify for  
24 you. And while you do not have to testify, you could take  
25 the witness stand. Do you understand that?

1                   THE DEFENDANT: Yes.

2                   THE COURT: And you'd be treated like any  
3 other witness. By pleading guilty, do you understand no  
4 trial?

5                   THE DEFENDANT: Yes.

6                   THE COURT: Do you understand you'll be found  
7 guilty?

8                   THE DEFENDANT: Yes.

9                   THE COURT: And you'll give up your right to  
10 trial?

11                  THE DEFENDANT: Yes.

12                  THE COURT: And if you're unhappy with the  
13 sentence later, you cannot appeal. Do you understand  
14 that?

15                  THE DEFENDANT: (Nods head.)

16                  THE COURT: Now, as far as each of these  
17 criminal numbers, I'm going to walk them through by -- I  
18 guess by number. 05-1-1615, the C felonies, you could get  
19 a ten-year -- excuse me -- a five-year prison term. They  
20 could be doubled to ten, \$10,000 fine, or both. Do you  
21 understand that?

22                  THE DEFENDANT: Yes, sir.

23                  THE COURT: And the misdemeanor Theft Three,  
24 that would be one year jail, \$2,000 fine. Do you  
25 understand that?

1                   THE DEFENDANT: Yes, sir.

2                   THE COURT: Any and all felonies you  
3 understand can be doubled?

4                   THE DEFENDANT: Yes.

5                   THE COURT: And they could be stacked up too,  
6 which we'll talk about in a little bit. On 1718 here,  
7 counts 1 and 4, five year prison could be doubled to ten.  
8 \$10,000 fine. Do you understand that?

9                   THE DEFENDANT: Yes.

10                  THE COURT: It's a Forgery Two. On the Theft  
11 Two, five year prison, that could be doubled to ten years,  
12 \$10,000 fine, or both. Do you understand that?

13                  THE DEFENDANT: Yes, sir.

14                  THE COURT: And count 3, Identity Theft, is a  
15 B felony. You could get ten years. That could be doubled  
16 to twenty, and a \$25,000 fine. Do you understand that?

17                  THE DEFENDANT: Yes.

18                  THE COURT: On the earlier one that I read,  
19 and on the mandatory minimum -- I'm not sure, Mr. Evans,  
20 on 1615 there's a mandatory ten-year term. That would be  
21 a mandatory five, because there's only C felonies. Is  
22 that right?

23                  MR. EVANS: Correct.

24                  THE COURT: May I write in five there? You  
25 see the five --

1 MR. EVANS: I thought I did.

2 THE COURT: Well, it says ten.

3 MR. EVANS: Oh.

4 THE COURT: Maybe I got it wrong. I'll  
5 initial it. Would that be right, Mr. Montalbano?

6 MR. MONTALBANO: Your Honor, in 1615 Miss  
7 Kakinami faces a mandatory minimum of five out of five.

8 THE COURT: Okay. You did. You did it  
9 there. I got it.

10 MR. EVANS: No. I thought it was three,  
11 four. But --

12 THE COURT: No. You got it. You got it.

13 MR. MONTALBANO: And in 1718, Miss Kakinami  
14 faces a mandatory minimum of ten out of ten.

15 THE COURT: Ten out of ten. Do you  
16 understand that, ma'am?

17 THE DEFENDANT: Yes.

18 THE COURT: The main thing is this Court  
19 cannot give you probation under the law.

20 THE DEFENDANT: I understand.

21 THE COURT: You understand that? You must  
22 get a prison term. The question then is what is your  
23 mandatory minimum before the paroling authority can parole  
24 you. Do you understand that?

25 THE DEFENDANT: Yes.

1                   THE COURT: And that could go down based upon  
2 strong mitigating circumstances. Okay?

3                   THE DEFENDANT: Yes.

4                   THE COURT: And that -- but you have to tell  
5 the paroling -- you have to convince the paroling  
6 authority. They could still max you out, say ten out of  
7 ten. Right?

8                   So let's look at 1736 here. On that one, the  
9 Forgery Two, the Theft Two, could each get a five-year  
10 prison term, \$10,000 fine, or both. Correct?

11                  THE DEFENDANT: Yes.

12                  THE COURT: And that could be doubled to ten  
13 years. And the Identity Theft Two is a ten-year prison  
14 term, \$25,000 fine, or both. Do you understand that?

15                  THE DEFENDANT: I understand.

16                  THE COURT: And the mandatory minimum on the  
17 Identity Theft Two is a ten-year, and on the forgery and  
18 theft would be five years. Do you understand that?

19                  THE DEFENDANT: Yes, sir.

20                  THE COURT: I can drop that. The Court could  
21 reduce that if you could convince the Court there's strong  
22 reasons. Do you understand that?

23                  THE DEFENDANT: Yes.

24                  THE COURT: All right. Anything more counsel  
25 need to add in terms of the possible punishment? I want

1 to make it as good a record as I can.

2 MR. MONTALBANO: Nothing further regarding  
3 the punishment.

4 MR. EVANS: And likewise for Defense, Your  
5 Honor.

6 THE COURT: A couple more things, now, Miss  
7 Kakinami. I want you to take your time. Do you  
8 understand everything so far?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Any questions?

11 THE DEFENDANT: No.

12 THE COURT: Are you comfortable and satisfied  
13 with your attorney's assistance?

14 THE DEFENDANT: Yes, I am.

15 THE COURT: What is his name?

16 THE DEFENDANT: Christopher Evans.

17 THE COURT: Any complaints?

18 THE DEFENDANT: No.

19 THE COURT: If you're not a U.S. citizen do  
20 you understand the Department of Homeland Security could  
21 deport you, you could be excluded from admission to the  
22 U.S. or denied naturalization?

23 THE DEFENDANT: Yes.

24 THE COURT: The box is checked here. The  
25 Court has not promised you any special deals, favor or

1 leniency. Correct?

2 THE DEFENDANT: Correct.

3 THE COURT: I told you if you give good,  
4 strong reasons, I'll take it down. But if you don't, I  
5 got to do what I got to do.

6 THE DEFENDANT: Yes.

7 THE COURT: Anything more before I take the  
8 plea, counsel?

9 MR. MONTALBANO: Factual basis, Your Honor.

10 THE COURT: I'm getting there. I'm working  
11 my way through it.

12 Now, having talked to your attorney and  
13 gotten his good advice, how do you plead to each of these?

14 MR. EVANS: We checked the block No Contest.

15 THE COURT: That doesn't help her get a  
16 reduced minimum, from this judge.

17 MR. EVANS: Then we'll check the block  
18 Guilty.

19 THE COURT: The world I live in --

20 MR. EVANS: Just that simple.

21 THE COURT: The world I live in, when you  
22 goof, you goof.

23 MR. EVANS: Right.

24 THE COURT: And if you don't goof, you say  
25 well, I didn't goof, but I'll take my medicine.

1                   So what is your plea?

2                   THE DEFENDANT: Guilty.

3                   THE COURT: Let's walk them through one at a  
4 time. I need a factual basis, I guess. I'm not quite  
5 sure what to do here. Let's start with 1615.

6                   MR. EVANS: We can stipulate to a factual  
7 basis.

8                   THE COURT: Well, I like to hear them.

9                   MR. MONTALBANO: I'd like to place it on the  
10 record.

11                  THE COURT: Thank you.

12                  MR. EVANS: Sure.

13                  MR. MONTALBANO: In 1615, Your Honor.

14                  THE COURT: Yes, sir.

15                  MR. MONTALBANO: On May 11, 2005 Miss  
16 Kakinami went to the Nalu Kai store in Ala Moana and  
17 purchased \$150 worth of merchandise. She wrote a check  
18 from the checking account of the complaining witness,  
19 Linda Cacpal. And she used an identification with Miss  
20 Cacpal's information but Miss Kakinami's picture. This  
21 occurred in the City and County of Honolulu, State of  
22 Hawai'i. And that would satisfy the Forgery Two, the  
23 Check Writing, the I D Theft, and the Theft Three of the  
24 goods from Nalu Kai store.

25                  THE COURT: Is this consistent with the

1 police report, Mr. Evans?

2 MR. EVANS: Yes, it is.

3 THE COURT: Is that what happened?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: How did you create such an  
6 amazing I.D. get your picture on there? Who helped you?

7 THE DEFENDANT: Nobody.

8 THE COURT: You did it?

9 THE DEFENDANT: Yeah.

10 THE COURT: And did you do it to get drugs?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So you bought things. Did you  
13 get money or just items?

14 THE DEFENDANT: Items.

15 THE COURT: \$150 worth of stuff. Did you  
16 then sell it?

17 THE DEFENDANT: Sell it for money.

18 THE COURT: And where did you go sell it to?

19 THE DEFENDANT: To people with drugs.

20 THE COURT: Where do you go to sell these  
21 things?

22 THE DEFENDANT: People's house.

23 THE COURT: Just go door to door?

24 THE DEFENDANT: Kind of.

25 THE COURT: Anyway, I'm not quite getting it.

1 But let's move to 1718.

2 MR. MONTALBANO: Your Honor, in that case, on  
3 July the 6th, 2005 Miss Kakinami went to First Hawaiian  
4 Bank on Kapiolani Boulevard. She possessed a fake  
5 identification of the complain -- of one of the  
6 complaining witnesses, Sheila Lum. With Sheila Lum's  
7 information, but her picture on the I.D. She deposited a  
8 check for \$3,840 drawn on the account of Dr. Larry  
9 Coffman. And then she asked for cash back in the amount  
10 of \$2,000. All in the name of Miss Lum.

11 The transaction was discovered by Miss Lum,  
12 and it was reported to the police on July the 15th, 2005.  
13 However, prior to that, Miss Kakinami returned to the  
14 First Hawaiian Bank on Kapiolani Boulevard and again  
15 attempted to withdraw money or perform some transaction in  
16 the name of Miss Sheila Lum. And she was arrested at the  
17 scene on July the 8th, 2005.

18 THE COURT: Is that what happened, Miss  
19 Kakinami? Or not? You can tell Mr. Evans if it didn't  
20 happen.

21 THE DEFENDANT: I wasn't arrested at the  
22 scene.

23 THE COURT: I can't hear you. You were not  
24 arrested at the scene? When were you arrested? Later on?

25 THE DEFENDANT: Yes.

1                   THE COURT: Where?

2                   THE DEFENDANT: At the State I D office.

3                   THE COURT: Do you accept that?

4                   MR. MONTALBANO: Yes, Your Honor. That's  
5 fine.

6                   THE COURT: Miss Kakinami, going back to the  
7 first one, what did you take from -- whatever store?

8                   MR. EVANS: Nalu Kai.

9                   THE COURT: Who?

10                  MR. EVANS: Nalu Kai.

11                  THE COURT: Nalu Kai. What did you take?

12                  THE DEFENDANT: Clothes.

13                  THE COURT: So you knew people that wanted  
14 these clothes?

15                  THE DEFENDANT: Yes.

16                  THE COURT: They gave you cash at a discount?

17                  THE DEFENDANT: Yes.

18                  THE COURT: Which you turned into drugs?

19                  THE DEFENDANT: Yeah.

20                  THE COURT: Now, this one at First Hawaiian  
21 Bank, is that generally true, other than when you were  
22 arrested?

23                  THE DEFENDANT: Yes.

24                  THE COURT: What is your plea to that?

25                  THE DEFENDANT: Guilty?

1                   MR. EVANS: You know, for the record, Your  
2 Honor, this particular case also has formed a Federal  
3 case, the basis for a Federal case in the United States  
4 District Court, under criminal number 05-373 before the  
5 Honorable David A. Ezra. And she has cooperated and  
6 entered a plea in that particular matter.

7                   THE COURT: And she's implicated other things  
8 may have happened.

9                   MR. EVANS: That is correct.

10                  THE COURT: Yes. I don't want to get into  
11 all that.

12                  MR. EVANS: I understand.

13                  THE COURT: Can we take 1736 now. How do you  
14 plead to that?

15                  THE DEFENDANT: Guilty, Your Honor.

16                  THE COURT: I need a factual basis.

17                  MR. MONTALBANO: That on May the 2nd, 2005  
18 Miss Kakinami went to Gaspro. She made a purchase of  
19 \$570.83, using the check of the complaining witness, Linda  
20 Cacpal, and an identification with Miss Cacpal's  
21 information but Miss Kakinami's photograph. And I believe  
22 the items were some type of gas or helium, something.

23                  THE COURT: Helium?

24                  MR. MONTALBANO: Some kind of gas, Your  
25 Honor.

1                   THE COURT: Well, she'll help me. Is that  
2 what happened?

3                   THE DEFENDANT: Yeah.

4                   THE COURT: What did you want helium for?

5                   THE DEFENDANT: Somebody wanted a gas torch.

6                   THE COURT: They wanted a torch. They wanted  
7 to fix something?

8                   THE DEFENDANT: A gas torch.

9                   THE COURT: Why did you do that? Did you  
10 turn that into drugs, or did you just want to --

11                  THE DEFENDANT: Yeah, money.

12                  THE COURT: Oh, they gave you the money for  
13 the gas torch.

14                  THE DEFENDANT: Yeah.

15                  THE COURT: Very well. Counsel, I need you  
16 to approach. And I tried to circle on page 2 the guilty  
17 plea thing and on the fly sheet at the top.

18                  MR. EVANS: Correct.

19                  THE COURT: I may not have done a very good  
20 job. But we'll do what we can do. There are the three  
21 pleas. Take a moment.

22                  (Pause)

23                  MR. EVANS: Now, one thing for the record,  
24 Your Honor. And that is with respect to representations  
25 that I made to the Court in chambers regarding Detective

1 Earl Koanui. When it comes to the probation report, I'm  
2 not sure how much, you know, I'm going to want to  
3 disclose. May I approach the bench?

4 THE COURT: Yes. I mean you can -- you work  
5 that out with Mr. Montalbano and make whatever. We'll  
6 talk about that. Thank you.

7 MR. EVANS: Can we talk about that on the  
8 record before we recess for the day?

9 THE COURT: Yes. Yes.

10 MR. EVANS: Thank you.

11 THE COURT: May I go ahead and take the plea?

12 MR. EVANS: Yes, please.

13 THE COURT: Leslie Kakinami, in each of these  
14 criminal numbers the Court will respectfully find you  
15 understand the charges. You understand the punishments.  
16 You certainly understand that there's mandatory prison  
17 terms if the State files a motion for repeat offender and  
18 proves it up. And that those mandatory prison terms with  
19 mandatory minimums may only be reduced for cause. You  
20 understand your rights to have a full and fair trial by  
21 jury, with the many attendant rights. You understand the  
22 -- each right that goes with it.

23 Along with the charges, the punishments and  
24 your rights, the Court will find that you knowingly,  
25 intelligently and voluntarily entered pleas of guilty to

1 each of these. The Court accepts those pleas, finds and  
2 adjudges you guilty. You've waived your rights.

3 That means in 1615, Forgery Two, Identity  
4 Theft Three, and Theft Three. In 1718, two counts of  
5 Forgery Two, one Theft Second, one count of Identity Theft  
6 Second, I believe that is. And in 1736, Forgery Two,  
7 Theft Two, identity Theft Two.

8 The Court accepts those pleas. Finds and  
9 adjudges you guilty. Orders a presentence report. Orders  
10 you to cooperate. Return to Court in -- coming back when,  
11 Alden?

12 THE CLERK: August 28th, 8:30.

13 THE COURT: August 28th, 8:30, or such other  
14 time as is mutually agreeable with the Court and Counsel.  
15 Okay?

16 MR. EVANS: Yes.

17 THE COURT: Are you working a program there  
18 at the detention center?

19 THE DEFENDANT: Yes.

20 THE COURT: What are you doing?

21 MR. EVANS: Taking the forty hour drug --  
22 they don't have -- they just have the forty hour drug  
23 program.

24 THE COURT: Good. On work line?

25 MR. EVANS: No. I can't work. They haven't

1 medically cleared me.

2 THE COURT: All right. Thank you. Anything  
3 more?

4 MR. EVANS: Yes.

5 THE COURT: Yes, sir?

6 MR. EVANS: We did meet in chambers with Your  
7 Honor. And I know your clerk was present, Alden. And I  
8 believe he may have been able to jot down certain notes  
9 with respect to my client's cooperation with the detective  
10 by the name of Earl, middle initial T, and then Koanui.

11 THE COURT: Yes.

12 MR. EVANS: If not, I'd like to state on the  
13 record that we informed the Court of certain things. And  
14 I believe I'm correct in saying that the Prosecution does  
15 not dispute the representations that I made to the Court.  
16 And that's what I wanted to get on the record.

17 THE COURT: Fair enough. Mr. Montalbano?

18 MR. MONTALBANO: Your Honor, the State would  
19 stipulate to Mr. Evans' concerns.

20 THE COURT: Very well. Thank you.

21 MR. EVANS: And I appreciate that.

22 THE COURT: You're excused. Thank you.

23 MR. EVANS: All right. Thank you very much.

24 THE DEFENDANT: Thank you, Your Honor.

25 (End of hearing)

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

3

4 State of Hawai'i, )

5 )

6 vs. )

7 Leslie Kakinami, )

8 Defendant. )

9 )

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11 I, BRIAN FAXVOG, an Official Court Reporter  
12 of the Circuit Court of the First Circuit, State of  
13 Hawaii, do hereby certify that the foregoing pages 1  
14 through 23 inclusive comprise a full, true and correct  
15 transcript of the proceedings had in connection with the  
16 above-entitled cause.

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18 Dated this 9th day of March, 2006.

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20

  
BRIAN FAXVOG, CSR #342  
Official Court Reporter

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Brian Faxvog, CSR 342  
Official Court Reporter  
State of Hawaii